
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

JEREMY MUNDINE,

§

Plaintiff,

§

versus

§

CIVIL ACTION NO. 1:06-CV-33

JOSEPH M. SMITH, *et al.*,

§

Defendants.

§

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Jeremy Mundine, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the lawsuit. The magistrate judge recommends the lawsuit be dismissed without prejudice.¹

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections asserted by Plaintiff. After careful consideration, the court is of the opinion that the objections are without merit.

¹ The recommendation was based on the magistrate judge's conclusion that: (a) Plaintiff failed to exhaust his administrative remedies prior to filing this lawsuit and (b) 28 U.S.C. § 1915(g) prevented Plaintiff from proceeding with this lawsuit on an *in forma pauperis* basis.

ORDER

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 29th day of June, 2006.

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE